



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,819	02/18/2004	Hyung-kyoon Kim	1293.1937	6807
21171	7590	10/28/2008		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER BIBBINS, LATANYA	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 10/28/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/779,819

**Applicant(s)**

KIM, HYUNG-KYOON

**Examiner**

LaTanya Bibbins

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. In the remarks filed on June 26, 2008, Applicant cancelled claims 10-13 and submitted arguments for allowability of pending claims 1-9.

***Response to Arguments***

2. Applicant's arguments with respect to claim 1-9 have been considered but are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (herein AAPA) in view of Mato et al. (JP 2002-183974) and further in view of Motohashi (JP 2000-030369).**

Regarding claim 1, AAPA discloses a method of recording data on an optical disc in an Incremental Recording mode in which data is partially recordable, the method comprising: determining whether the optical disc is formatted and recording data on the optical disc upon determining that the optical disc is not formatted (see Figure 1 and the discussion in paragraph [0008] where a "conventional Incremental Recording mode" is described particularly the discussion regarding operations 100 and 102), checking a state of the optical disc in a recording

management area in which disc information is recorded (see Figure 1 and the discussion in paragraph [0008] regarding operation 101), and determining that the optical disc is a Minimal Blank disc in which data is erased from the recording management area to a lead-in area (Figure 1 and the discussion in paragraph [0008] regarding operation 101).

Mato, however, discloses determining that the optical disc is a Minimal Blank disc in which data is erased from the recording management area to a lead-in area and recording on a Minimal Blank disc (see the discussion in paragraph [0007]). Mato further discloses the use of packet writing on a minimally blanked optical disc (see the abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of packet writing on minimally blanked optical disc as disclosed by Mato into the method of recording used in AAPA. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to reduce the amount of time needed for the blanking process as suggested by Mato in paragraph [0009].

Motohashi discloses the claimed invention except for that recording a remainder of the data other than the recorded data, is performed prior to the erasing of data ranging from a next writable address to a predetermined block (see the discussion in paragraphs [0008], [0009], [0018], and [0030] – [0032]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that modifying the teachings of Motohashi to record a remainder of the data other than the recorded data, after the erasing would yield a predictable result. One of ordinary skill in the

art at the time the invention was made would have recognized that the modification would improve similar methods in the same way.

Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Motohashi into that of AAPA and Mato. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to easily and correctly find the final packet of the track as suggested by Motohashi in paragraphs [0006] and [0007].

**Regarding claim 2**, AAPA further discloses wherein the determining further comprises outputting a recording error message upon determining that the optical disc is formatted (see operation 103 in Figure 1 and the discussion in paragraph [0008]).

**Regarding claim 3**, Motohashi further discloses, wherein the erasing comprises recording, after the checking of the state, data from a next address upon determining that the optical disc is a Minimal Blank disc in which data is erased from the recording management area to a lead-out area (see the discussion in paragraphs [0008], [0009], [0018], and [0030] – [0032]).

**Claim 4** is drawn to the computer readable medium corresponding to the method claimed in claim 1. Therefore computer readable medium claim 4 corresponds to method claim 1, and is rejected for the same reason of obviousness as used above.

**Regarding claim 5**, AAPA discloses a method of recording data on an optical disc in an Incremental Recording mode, the method comprising: determining whether the optical disc is formatted (see Figure 1 and the discussion in paragraph [0008] where a “conventional Incremental Recording mode” is described particularly the discussion regarding operation 1002); recording data to the optical disc at a desired position upon determining that the optical disc is

not formatted (see Figure 1 and the discussion in paragraph [0008] where a “conventional Incremental Recording mode” is described particularly the discussion regarding operation 102) and Mato, however, discloses determining that the optical disc is a Minimal Blank disc in which data is erased from the recording management area to a lead-in area and recording on a Minimal Blank disc (see the discussion in paragraph [0007]). Mato further discloses the use of packet writing on a minimally blanked optical disc (see the abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of packet writing on minimally blanked optical disc as disclosed by Mato into the method of recording used in AAPA. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to reduce the amount of time needed for the blanking process as suggested by Mato in paragraph [0009].

Motohashi discloses the claimed invention except for that recording remaining data other than the recorded data at the desired address on the optical disc, is performed prior to the erasing of data from a portion of the optical disc that may lead to a recording or read out error upon determining that the optical disc is Minimally Blanked (see the discussion in paragraphs [0008], [0009], [0018], and [0030] – [0032]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that modifying the teachings of Motohashi to record a remainder of the data other than the recorded data, after the erasing would yield a predictable result. One of ordinary skill in the art at the time the invention was made would have recognized that the modification would improve similar methods in the same way.

Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Motohashi into that of AAPA and Mato. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to easily and correctly find the final packet of the track as suggested by Motohashi in paragraphs [0006] and [0007].

**Regarding claim 6**, AAPA further discloses wherein the checking comprises checking a recording management area to determine whether the disc is Fully Blanked or Minimally Blanked see Figure 1 and the discussion in paragraph [0008] regarding operation 101).

**Regarding claim 7**, Motohashi further discloses wherein data ranging from a next writable address to a predetermined block is erased in said erasing (see the discussion in paragraphs [0008], [0009], [0018], and [0030] – [0032]).

**Regarding claim 8**, AAPA further discloses outputting an error message upon determining that the optical disc is formatted (see operation 103 in Figure 1 and the discussion in paragraph [0008]).

**Regarding claim 9**, Motohashi further discloses recording, after the checking step, data from a next address upon determining that the optical disc is Minimally Blanked (see the discussion in paragraphs [0008], [0009], [0018], and [0030] – [0032]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaTanya Bibbins whose telephone number is (571)270-1125. The examiner can normally be reached on Monday through Friday 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaTanya Bibbins/  
Examiner, Art Unit 2627

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627